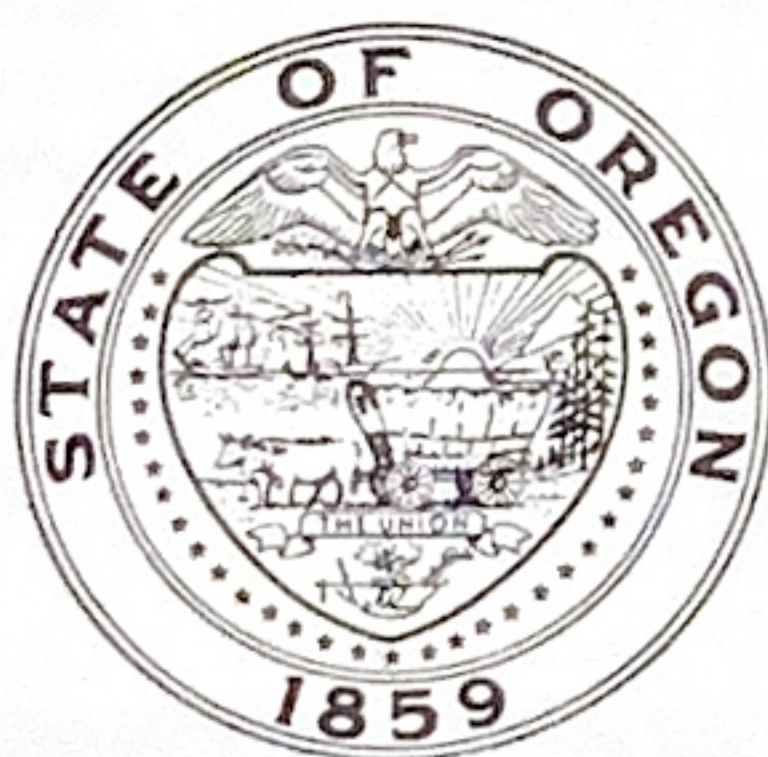


ETHICS GUIDE
for
PUBLIC OFFICIALS



Oregon Government Ethics Commission
102 PUBLIC SERVICE BUILDING
SALEM, OREGON 97310

January, 1980

THE LEGISLATIVE ASSEMBLY HEREBY DECLARES
THAT A PUBLIC OFFICE IS A PUBLIC TRUST, AND
AS ONE SAFEGUARD FOR THAT TRUST, THE
PEOPLE REQUIRE ALL PUBLIC OFFICIALS TO
ADHERE TO THE CODE OF ETHICS SET FORTH IN
ORS 244.040

ORS 244.010



ETHICS COMMISSION

Established:

January, 1975

The people of Oregon enacted a statewide conflict of interest law and a code of ethics for public officials in the 1974 General Election.

Composition:

Seven members

Method of Selection:

Three members are appointed by the Governor and one each by the majority and minority parties of each House.

Restrictions:

Public officials required to file Statements of Economic Interest are ineligible for appointment to the Ethics Commission.
Appointees are limited to one four year term.
No more than four members from the same political party may serve at one time.

Responsibilities:

Enforcement of ORS Chapter 244
Render advisory opinions
Initiate, receive and consider charges of alleged violations
Hold hearings, administer oaths and issue subpoenas
Adopt rules and regulations

Staff:

The Commission has a fulltime staff

Office:

102 Public Service Building
Salem, Oregon 97310

Mailing Address:

Oregon Government Ethics Commission
102 Public Service Building
Salem, Oregon 97310

Telephone:

Salem	378-5105
Other Areas	
Toll Free	1-800-452-7813

ETHICS COMMISSION

CONFLICT OF INTEREST LAW

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CONFLICT OF INTEREST LAW

Applicability:

This law applies to you if you are a public official. You are a "public official" if you serve in a governmental capacity for the State of Oregon or any of its political subdivisions or any other public body of the state as an officer, employee, agent or otherwise, irrespective of whether you are compensated for such services.

Potential Conflict of Interest:

Potential conflict of interest exists in any transaction where a person acting in a capacity as a public official takes any action or makes any decision or recommendation, the effect of which would be to the person's private pecuniary benefit or detriment.

Exceptions:

- 1) Cases where the public official is required by law to hold an interest or membership in a particular business, industry or occupation.
- 2) Cases where the public official's action affects to the same degree all inhabitants of the state or a large class of people with which the public official is associated.

Example: A legislator owning an automobile need not declare a potential conflict of interest prior to voting on a bill raising registration fees for all automobile owners.

Methods of Handling Potential Conflicts of Interest:

Oregon law requires that public notice be given by every public official encountering a potential conflict of interest. When a public official gives notice of a potential conflict of interest, the potential conflict must be reported in the official records of the public body. Disposition of the potential conflict remains at the discretion and determination of the public official and the public agency involved. See ORS 244.120 and ORS 244.130 for details.

CONFLICT OF INTEREST LAW

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STATEMENTS OF ECONOMIC INTEREST

Who Must File:

1. Statewide elected officials, district attorneys, members of the legislature, judicial officers, candidates for the above and candidates for U.S. Senator or Representative.
2. Certain state employees (primarily department heads), members of 26 state boards and commissions (see ORS 244.050 for details).
3. City and county elected officials in those cities and counties voting in favor of the filings.
4. City and county planning, zoning or development commission members in cities and counties voting in favor of the filings.

When to File:

1. Annually on or before April 15. Forms cover the previous calendar year.
2. Within 30 days after ceasing to hold office. Form covers from beginning of calendar year until date you cease holding office.
3. By April 15 next after the primary election filing deadline for statewide office, district attorney or judicial office, or within 30 days of the general election if not a primary election candidate.
4. Statements postmarked on or before the due date will be accepted as filed on the due date.

Forms and Filing:

Statements of Economic Interest may be obtained and filed with the

Oregon Government Ethics Commission
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Salem, Oregon 97310

Status of Records:

Records of the Commission are public records.

Penalty for Failure to File:

Public Officials failing to file on or before April 15 could be assessed a \$1,000 civil penalty. Civil penalties are due and payable after hearing. Public Officials refusing to file after a hearing has been granted and a civil penalty has been imposed are barred from continuing to exercise their public duties. Candidates failing to file on or before the Ethics Commission candidate filing deadline may be removed from the ballot.

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CODE OF ETHICS for PUBLIC OFFICIALS

Prohibitions:

1. Public officials are prohibited from using their official position to obtain financial gain for themselves, their household or businesses with which they or any member of their household is associated.
2. Public officials are prohibited from using confidential information gained by reason of their public office for private gain.
3. Public officials are prohibited from receiving or soliciting promises of future employment based on any understanding that their official action would be influenced by the promise.
4. Public officials are prohibited from receiving or soliciting during any calendar year any gift or gifts with an aggregate value of over \$100 from any source who could reasonably be known to have a legislative or administrative interest in the public official's office.

See ORS 244.040 for details.

CODE OF ETHICS ADVISORY OPINIONS

INVESTIGATIONS: Procedures and Penalties



ADVISORY OPINIONS

Who May Request an Advisory Opinion:

Any person.

Form:

The request must be in writing and signed by the person requesting the opinion.

Effect:

The advisory opinion is binding unless material facts were omitted or misstated.

Advisory Opinions:

The Commission may issue opinions on the requirements of ORS Chapter 171 and 244, based on actual or hypothetical circumstances.

ADVISORY OPINIONS

INVESTIGATIONS: Procedures and Penalties



INVESTIGATIONS: Procedures and Penalties

Who May Bring Charges of Alleged Violation of the Ethics Law:

Any person who believes that a public official has violated the provisions of ORS Chapter 244 may submit a signed complaint.

The Commission.

How Does a Citizen Bring a Charge:

File a signed complaint with the Commission setting forth the name and public position of the alleged violator, and describing the facts constituting the alleged violation.

What are the Penalties:

Violation of the Code of Ethics (ORS 244.040(1)-(5)) could result in a \$1,000 civil penalty.

Failure to declare a potential conflict of interest (ORS 244.120 and 244.130) could result in a \$1,000 civil penalty.

INVESTIGATIONS: Procedures and Penalties